

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AKIL TEVA WHITAKER, et al.,

Plaintiffs,

v.

ALAMEDA COUNTY, et al.,

Defendants.

Case No. [12-cv-05923-JD](#)

ORDER TO SHOW CAUSE

A case management conference was scheduled in this case for June 26, 2014. Counsel for Alameda County appeared, but Plaintiffs' counsel did not. *See* Dkt. No. 38. Counsel for Alameda County indicated that the County will file a motion to dismiss for failure to prosecute because this case was filed in November 2012, and no progress has been made on the case since that time. *Id.* On July 3, 2014, counsel for Plaintiffs, M. Alieu Iscandari, filed a declaration regarding his absence from the case management conference. Dkt. No. 39. Mr. Iscandari informed the Court that he missed the case management conference because he was on a medical leave of absence through June 30, 2014. *Id.*, Ex. 1. Mr. Iscandari informed the Court: "I have now resumed full duties in my office barring any unforeseen health problems intend [*sic*] to continue with this litigation on behalf of my clients." Dkt. No. 39. The exhibit to Mr. Iscandari's declaration -- a report from his doctor -- provides that Mr. Iscandari "was evaluated and deemed able to return to work at full capacity on 7/1/2014." *Id.*, Ex. 1.

On July 11, 2014, the Court set a Case Management Conference for July 31, 2014. Again, Counsel for Alameda County appeared, but Plaintiffs' counsel did not. Mr. Iscandari did not request prior approval to waive his appearance or advise the Court that he would not be able to appear.

1 Mr. Iscandari is ordered to show cause why he failed to appear at the July 31, 2014 case
2 management conference and why sanctions should not imposed. The hearing on this order will be
3 held on August 13, 2014 at 2:00 p.m. Mr. Iscandari is ordered to appear in person at that hearing
4 accompanied by Mr. Whitaker and Ms. Varlack. Mr. Iscandari will provide a written response to
5 this order explaining his failure to appear by August 6, 2014. Counsel for Alameda County need
6 not appear at the hearing.

7 Counsel's continued failure to appear at court hearings or otherwise prosecute this action
8 may result in dismissal.

9 **IT IS SO ORDERED.**

10 Dated: August 1, 2014

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13 JAMES DONATO
14 United States District Judge
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